

Message Text

CONFIDENTIAL

PAGE 01 STATE 114635
ORIGIN L-03

INFO OCT-01 EUR-12 ISO-00 SCS-06 VO-05 CA-01 PPT-01
HA-05 /034 R

DRAFTED BY L/M:HFSHAMWELL,JR.:CEK
APPROVED BY EUR:WHLUERS
CA/SCS:MRS. L. MULLIN
EUR/EE:MR. D. JOHNSON
L/T: (INFO)
L/EUR: (INFO)
PT/FM:MR. THOMAS
CA/VO:C. SCULLY
EUR/EE:NGANDREWS
CA:RTHENNEMEYER

-----023357 050610Z /13

R 050205Z MAY 78
FM SECSTATE WASHDC
TO AMEMBASSY BELGRADE
INFO AMCONSUL ZAGREB

C O N F I D E N T I A L STATE 114635

E.O. 11652: GDS

TAGS: CGEN, CASC

SUBJECT: DUAL NATIONALS -- PROPOSED AGREEMENT WITH GOY

REF: (A) BELGRADE 3181, (B) BELGRADE 2653, (C) BELGIUM
2646

1. DEPT. AGREES THAT TIME IS RIGHT TO PURSUE AGREEMENT WITH
GOY ON CONTINUALLY TROUBLESOME PROBLEM OF CONSULAR ACCESS
TO DUAL NATIONALS. ALTHOUGH THIS SUBJECT HAS BEEN RATHER
EXHAUSTIVELY DELVED INTO OVER THE PAST SIX YEARS, DEPT.
BELIEVES IT BENEFICIAL FOR THE USG TO PROBE THE APPARENT
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 STATE 114635

GOY WILLINGNESS TO BE RESPONSIVE AT THIS TIME.

2. BY WAY OF BACKGROUND, THE LAST FORMAL GOY RESPONSE TO A
USG INITIATIVE TO ENTER INTO AN AGREEMENT ESTABLISHING A
MODUS OPERANDI FOR DEALING WITH THE CONSULAR ACCESS PROBLEM
WAS ITS NOTE TO EMBASSY BELGRADE (NO. 1389/75) OF MARCH 28,
1975. THAT NOTE RESPONDED TO THE EMBASSY'S NOTE (NO. 37) OF

DECEMBER 2, 1974, REQUESTING RECONSIDERATION OF THE USG'S INITIAL FORMAL PROPOSAL CONTAINED IN THE EMBASSY'S NOTE (NO. 31) OF SEPTEMBER 27, 1973, AND REJECTED BY THE GOY'S PRO MEMORIA DELIVERED TO FORMER AMB. TOON ON MAY 1, 1974. THE CONSISTENT POSITION OF THE GOY HAS BEEN THAT THE U.S. PROPOSAL WOULD RUN COUNTER TO ESTABLISHED PRINCIPLES OF

INTERNATIONAL LAW AND WOULD RESULT IN "DISCRIMINATORY TREATMENT BETWEEN YUGOSLAV CITIZENS". EFFORTS TO BUDGE THE YUGOSLAVS FROM THIS ADAMANT STANCE HAVE PROVEN FUTILE THUS FAR; HOWEVER, NO SUSTAINED PRESSURE HAS BEEN BROUGHT.

3. AT PRESENT THE DEPARTMENT REGARDS THE TWO MOST VIABLE OPTIONS AS THOSE REFERRED TO IN REF A, PARA 3, NAMELY, (1) A FULL CONSULAR AGREEMENT AND (2) A MORE LIMITED ARRANGEMENT RELATING TO THE SPECIFIC QUESTION OF CONSULAR ACCESS TO DUAL NATIONALS. IN VIEW OF THE PREVIOUS LACK OF SUCCESS IN MOVING AHEAD WITH THE LIMITED MEASURE, AND IN KEEPING WITH THE DEPARTMENT'S CURRENT POLICY OF NEGOTIATING NEW (OR RENEGOTIATING OLD) BILATERAL CONSULAR TREATIES, DEPT. NOW BELIEVES THAT PROPOSAL TO NEGOTIATE FULL AGREEMENT HAS HIGHEST SUCCESS POTENTIAL. WHILE GOY HAS IN THE PAST BEEN LUKEWARM TO THIS IDEA, CITING THE SANCTITY AND ADEQUACY OF THE 1881 AGREEMENT, IT HAS EXPRESSED SOME INTEREST IN "TIDYING UP" SEVERAL AREAS "BORDERING ON CONSULAR AFFAIRS." (MEMCON OF MAY 1, 1975
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 STATE 114635

MEETING AT YUGOSLAV EMBASSY, WASHINGTON.) THESE AREAS RELATE TO "ALIMONY" (PRESUMABLY EXTRA-TERRITORIAL ENFORCEMENT OF YUGOSLAV JUDICIAL DECREES IN DOMESTIC RELATIONS CASES), DEPOSITIONS AND LEGAL ASSISTANCE. IT SEEMS TO THE DEPARTMENT THAT NEGOTIATION OF AN UPDATED CONSULAR TREATY WOULD PROVIDE TWO IMPORTANT LEVERAGE POINTS VIS-A-VIS SUCCESSFUL CONCLUSION OF A DUAL NATIONALS AGREEMENT: (1) PROVIDE CERTAIN "COVER" FOR THE GOY IN DISCUSSING THIS ISSUE WITH THE U.S. RATHER THAN WITH OTHER COUNTRIES WITH SIMILAR INTERESTS (E.G., AUSTRALIA) AND (2) GIVE THE GOY AN OPPORTUNITY TO ADVANCE ITS OWN INTERESTS WITH US, SUCH AS INCREASED IMMUNITIES FOR CONSULAR PERSONNEL IN THE U.S. (NOTE: IF GOY HAD BEEN COVERED BY THE TYPE OF CONSULAR CONVENTION NOW IN FORCE FOR BULGARIA, POLAND AND OTHER E. EUROPEAN COUNTRIES, ITS CONSUL GENERAL IN SAN FRANCISCO, NOW BEING SUED FOR DEFAMATION, WOULD NOT BE SUBJECT TO JUDICIAL JURISDICTION IN THE U.S..)

4. DEPARTMENT CAN PROVIDE TEXT OF PROPOSED U.S.-YUGOSLAVIA CONSULAR CONVENTION, CONTAINING PROVISIONS DEALING IN SUFFICIENT DETAIL WITH DUAL NATIONAL PROBLEM. THIS TEXT CAN BE PREPARED IN TIME FOR DESK OFFICER DARRYL JOHNSON'S

VISIT TO VISIT TO BELGRADE IN EARLY MAY.

5. DEPARTMENT WOULD APPRECIATE EMBASSY'S VIEWS ON THIS APPROACH. IF EMBASSY AGREES, AND IF THE YUGOSLAVS ARE RECEPTIVE, DEPARTMENT WOULD BE HAPPY TO SEND AN EXPERT TO BELGRADE TO HOLD NEGOTIATIONS.

6. ON THE QUESTION RAISED REF C CONCERNING US LAW AND PRACTICE BEFORE THE ABOLITION OF THE DRAFT, THE LAW VARIED OVER TIME. IN GENERAL, LAWFUL PERMANENT RESIDENT ALIENS WERE SUBJECT TO CONSCRIPTION. THEY COULD CLAIM EXEMPTION ON GROUNDS OF THEIR FOREIGN CITIZENSHIP, BUT DOING SO RENDERED THEM INELIGIBLE FOR FUTURE U.S. CITIZENSHIP. FOR NONIMMIGRANTS, THERE WERE BROADER
CONFIDENTIAL

CONFIDENTIAL

PAGE 04 STATE 114635

EXEMPTIONS, AND IN THE FINAL PERIOD BEFORE SELECTIVE SERVICE WAS ABOLISHED, THE EXEMPTION WAS APPLIED UNIFORMLY. BEFORE THAT FINAL PERIOD, TEMPORARY VISITORS (B-1, B-2 VISA HOLDERS) COULD IN THEORY BE DRAFTED, BUT THE LAW AND PRACTICE PERMITTED THEM TO STAY AT LEAST ONE YEAR BEFORE THEY WOULD BE INDUCTED.

7. THE RELEVANCE OF THIS INFORMATION TO THE ALIMI CASE IS LIMITED, HOWEVER, SINCE THE CIRCUMSTANCES ARE NOT STRICTLY PARALLEL. US LAW SPECIFIES THAT IF A US CITIZEN OVER AGE 21 VOLUNTARILY APPLIES FOR NATURALIZATION IN A FOREIGN COUNTRY, THAT ACT IS TAKEN AS PERSUASIVE EVIDENCE OF INTENT TO GIVE UP U.S. CITIZENSHIP. WHILE IT IS THEORETICALLY POSSIBLE UNDER PECULIAR CIRCUMSTANCES FOR AN AMERICAN CITIZEN TO RETAIN HIS U.S. CITIZENSHIP EVEN AFTER BEING NATURALIZED IN A FOREIGN COUNTRY, IN PRACTICE IT IS QUITE RARE. IN VIRTUALLY ALL CASES, A PERSON WHO ADOPTS FOREIGN CITIZENSHIP THEREBY LOSES HIS US CITIZENSHIP, AND IF HE RETURNS TO THE US FOR A VISIT, HIS STATUS IS THE SAME AS THAT OF ANY OTHER FOREIGN VISITOR. HENCE HE WOULD NOT HAVE BEEN SUBJECT TO THE DRAFT FOR AT LEAST ONE YEAR. CHRISTOPHER

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 05 may 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978STATE114635
Document Source: CORE
Document Unique ID: 00
Drafter: HFSHAMWELL,JR.:CEK
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D780191-1022
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780588/aaaacxdx.tel
Line Count: 158
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 8b723aa3-c288-dd11-92da-001cc4696bcc
Office: ORIGIN L
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 78 BELGRADE 3181, 78 BELGRADE 2653, 78 BELGRADE 78
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 06 jun 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2776364
Secure: OPEN
Status: NATIVE
Subject: DUAL NATIONALS -- PROPOSED AGREEMENT WITH GOY
TAGS: CGEN, CASC
To: BELGRADE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/8b723aa3-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014